

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RODERICK ANDREW KING,)	
)	Civil Action No. 3: 22-cv-69
Petitioner,)	
)	United States District Judge
v.)	Kim R. Gibson
)	
WARDEN OF CAMBRIA COUNTY)	
PRISON,)	
)	
Respondent.)	

MEMORANDUM OPINION AND ORDER

Roderick Andrew King ("King" or "Petitioner"), proceeding *pro se*, has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. At the time the Petition was filed, he was awaiting trial in the United States District Court for the Western District of Pennsylvania on charges of sex trafficking of a child and attempted sex trafficking of a child in violation of 18 U.S.C. §§1591(a)(1), 1591(b)(2), and 1594(a), and production of material depicting the sexual exploitation of a minor, in violation of 18 U.S.C. § 2251(a). See *United States v. King*, Criminal No. 2: 21-cr-00184 (W.D. Pa.) (Wiegand, J) (ECF No. 1). The Court takes judicial notice that King is currently in trial on these charges.

In this habeas Petition, he is "challenging the validity of the said grand jury indictment, arrest warrant, etc." (Pet. at ¶ 6). The case was referred to Chief United States Magistrate Judge Cynthia Reed Eddy for a report and recommendation in accordance with 28 U.S.C. § 636(b)(1) and Local Rule of Civil Procedure 72.

On June 1, 2022, Chief Magistrate Judge Eddy issued a Report (ECF No. 6) recommending that the Petition be summarily dismissed before service, with prejudice, for lack of jurisdiction.¹ King was served with the Report and Recommendation at his listed address of record and was advised that he had until June 21, 2022, to file written objections to the Report and Recommendation. To date, King has not filed any objections nor has he sought an extension of time in which to do so.²

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Accordingly, after a *de novo* review of the pleadings and documents in this case, together with the report and recommendation, the report and recommendation will be adopted and the petition will be summarily dismissed with prejudice.³ An appropriate Order follows.

¹ The Court has a pre-service duty to screen and dismiss petitions filed under 28 U.S.C. § 2241 when it plainly appears that the petitioner is not entitled to relief. *See* 28 U.S.C. § 2243. *See also* Rule 4 of the Rules Governing Section 2254 Cases (which also applies to § 2241 cases).

² If a party does not file objections to a magistrate judge's report and recommendation, the party may lose its right to *de novo* review by the district court, although the court must still give "reasoned consideration" to the magistrate judge's report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987).

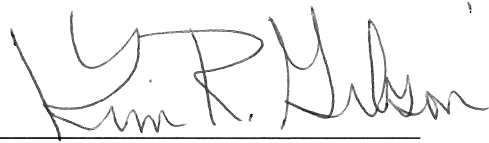
³ 28 U.S.C. §2253 sets forth the standards governing the issuance of a certificate of appealability for appellate review of a district court's disposition of a habeas petition. Federal prisoner appeals from the dismissal of a § 2241 habeas corpus proceeding are not governed by the certificate of appealability requirement. *United States v. Cepero*, 224 F.3d 256, 264-65 (3d Cir. 2000), abrogated on other grounds by *Gonzalez v. Thaler*, 566 U.S. 134 (2012). Therefore, the Court does not make a certificate of appealability determination in this matter.

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ORDER OF COURT

AND NOW, this 8th day of July, 2022, for the reasons set forth in the accompanying Memorandum Opinion, the Petition for Writ of Habeas Corpus is summarily **DISMISSED** with prejudice. The Report and Recommendation filed on June 1, 2022 (ECF No. 6) is **ADOPTED** as the opinion of the Court. The Clerk of Court shall mark this case **CLOSED**.



KIM R. GIBSON
UNITED STATES DISTRICT JUDGE

cc:

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(via U.S. First Class Mail)